

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CARMEN CONSOLINO, et. al.,)	
Plaintiffs,)	Case No. 17 CV 09011
)	
v.)	Honorable Judge Robert M. Dow, Jr.
)	Magistrate Sidney I. Schenkier
THOMAS J. DART, et. al.)	
Defendants.)	

**DEFENDANTS, COUNTY OF COOK's MOTION TO ENLARGE TIME WITHIN
WHICH TO ANSWER OR OTHERWISE PLEAD THE
SECOND AMENDED COMPLAINT AT LAW**

NOW COMES Defendant, the County of Cook, by its counsel, Assistant State's Attorney, Megan E. Inskeep, and moves this Court for an Order to enlarge the time for it to answer Plaintiffs' Second Amended Complaint at Law and file any necessary motions on the pleadings, pursuant to Federal Rule 6(b)(1)(A.) In support of said motion, defendant states as follows:

1. On August 18, 2018, Plaintiffs' filed their Second Amended Complaint at Law [Dkt. 32.] Pursuant to Federal Rule 15, defendants are to file their responsive pleadings within 14 days (September 4, 2018.)
2. This matter is part of the Mandatory Initial Discovery Pilot Program (MIDP) which requires defendants to answer the pending Complaint simultaneous with any motions to dismiss. [Dkt. 3.]
3. MIDP further requires initial discovery responses to be filed within 30 days of the answer on the pleadings. As such, MIDP would be due on October 4, 2018.
4. On August 23, 2018, Chancery court Judge Mitchell granted the State's Attorney's Petition for the appointment of a Special State's Attorney. The firm of

Laner Muchin, Ltd. was appointed. [Order of August 23, 2018, attached as Ex. A.]

5. Laner Muchin attorneys have not yet filed their appearance(s) in this matter.
6. Due to the recognized conflict and appointment of a Special State's Attorney, the undersigned cannot perform any substantive work on this case.¹
7. The Laner Muchin attorneys require time to review the materials on this file, which are extensive.
8. Due to the complexity of this matter, along with the size of this file, Laner Muchin attorneys will not be able to properly respond to Plaintiffs' Second Amended Complaint by September 4, 2018 or answer MIDP on October 4, 2018.
9. Pursuant to Federal Rule 6 (b)(1)(A), the court may enlarge the time to file an answer for good cause. The appointment of new counsel on August 23, 2018, is the required good cause for granting additional time to file responsive pleadings and answer initial discovery.
10. This request is made in good faith and is not made to frustrate the Court, delay matters, or prejudice any party.
11. To deny this request would severely prejudice the County, requiring it to answer or plead to the Second Amended Complaint without benefit of a thorough review of the file materials.

¹ However, the undersigned remains counsel of record until Laner Muchin attorneys file their appearance(s).

WHEREFORE, Defendant, the County of Cook, respectfully request this Honorable Court enlarge the time for it to answer and file any necessary motion(s) to dismiss the Second Amended Complaint at Law, up to and including **October 4, 2018**. Defendant further requests the Court require initial discovery responses no sooner than **November 2, 2018**.

Dated: August 29, 2018

Respectfully Submitted,

By: /s/ Megan Inskeep
Megan Inskeep
Assistant State's Attorney
536 Richard J. Daley Center
Chicago, Illinois 60602
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Exhibit A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

IN RE PETITION FOR
APPOINTMENT OF A
SPECIAL STATE'S ATTORNEY

)

)

)

No. 2018 CH 10308

ORDER

THIS CAUSE COMING TO BE HEARD on State's Attorney Kimberly M. Foxx's Petition for Appointment of a Special State's Attorney, the Court being fully advised in the premises finds that a conflict of interest exists that precludes the Cook County State's Attorney's Office from representing the County of Cook as set forth in the Petition For Appointment and, thus,

IT IS HEREBY ORDERED THAT:

1. The Petition is GRANTED. Joseph M. Gagliardo, Jeffrey S. Fowler, Mark W. Bennett and Michael A. Kuczwara, Jr. of Laner Muchin, Ltd. are hereby appointed Special State's Attorneys of Cook County, Illinois, for the purpose of representing the County of Cook, the elected President of the Cook County Board of Commissioners, in her official and individual capacity, and the elected members of the Cook County Board of Commissioners in their official and individual capacities, in the matters of *Consolino v Cook County Sheriff Thomas Dart, et. al.*, 17 CV 09011, *Tate v Cook County Sheriff Thomas Dart, et. al.*, 18 CH 02749, and *Teamster 700 and the Sheriff of Cook County, L-CA-18-032*, subject to the Cook County Guidelines for Special State's Attorneys;

2. The Special State's Attorneys shall possess the powers and duties of the State's Attorney in discharging this appointment;

3. The Special State's Attorneys agree to comply with the terms of the Cook County Guidelines for Special State's Attorneys;

4. This Court orders an hourly billing rate of \$185 per hour for attorneys, subject to the approval of the Cook County Finance Subcommittee on Litigation.

5. This court shall retain jurisdiction of this appointment until such time as a motion is made by either the State's Attorney or the Special State's Attorneys to terminate their appointment; and

6. This matter is continued to DECEMBER 13, 2018, at 10:00 a.m. for status.

Dated: August 23, 2018

Judge Raymond W. Mitchell

Hon. Raymond W. Mitchell AUG 23 2018
Circuit Court of Cook County

Circuit Court - 1992

Atty. No. 10295
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